

DECLARATION OF EMERGENCY

Board of Regents Office of Student Financial Assistance

Scholarship/Grant Programs—2020 Regular Session of the Louisiana Legislature and TOPS 5.0 Grading Scale: AP Psychology (LAC 28:IV.509, 703, 705, 803, and 805)

The Louisiana Board of Regents is exercising the emergency provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) to amend the rules of the Scholarship/Grant programs [R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1.1-3042.8, R.S. 17:5001 et seq., and R.S. 56:797.D(2)].

This rulemaking implements Act 225, Act 245, and (HB870) of the 2020 Regular Session of the Louisiana Legislature and adds AP Psychology as a course that may be graded on a 5.0 scale for high school graduates of 2018 and later.

This Emergency Rule is necessary to implement changes to the Scholarship/Grant programs to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The Board of Regents has determined that these emergency rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This Declaration of Emergency is effective August 13, 2020, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (SG21192ER)

Title 28 EDUCATION

Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs

Chapter 5. Applications, Federal Grant Aid and ACT Test

§509. ACT Testing Deadline

A.1. The student must take the official ACT test (including national, international, military or special test types) on or before the official April test date in the academic year (high school) in which the student graduates or completes a home study program approved by BESE.

2. A student may submit a request for exception to the deadline established in §509.A.1, which will be considered only under the following circumstances:

a. the student was prevented from taking the ACT test on or prior to the official April test date due to circumstances beyond his control and which are attributable to the administration of the test; and

b. the student achieves a qualifying score on or before August 1 of the year of the student's high school graduation.

c. the award for a student whose request for exception is approved under this Section shall not be reduced as set forth in §509.C.

d. except for an applicant who has qualified for a TOPS-Tech Award on or prior to the April national ACT test date, an applicant will not be allowed to use a test score obtained after the April national ACT test date to upgrade a TOPS Award.

3. An eligible non-graduate must take the official ACT test (including national, international, military or special test types) before the first day of the semester the student first enrolls in an eligible college or university.

4.a. Applicable to 2020 graduates only, the final deadline for achieving a qualifying score on an official ACT test (including national, international, military or special test types) is September 30, 2020. A student may qualify for an initial award or a higher award based on such test. The award for a student who achieves a qualifying ACT score as provided in the Section shall not be reduced as set forth in §509.C.

b. The provisions of this Subsection shall apply to any student who:

i. was enrolled in a Louisiana public high school during the 2019-2020 academic year (high school);

ii. was enrolled in a nonpublic high school in Louisiana having the approval by the State Board of Elementary and Secondary Education required by Part I of this Chapter for program eligibility purposes during the 2019-2020 academic year (high school);

iii. resided in the state of Louisiana and was enrolled in a home study program approved by the State Board of Elementary and Secondary Education during the 2019-2020 academic year (high school); or

iv. resided out of state during the 2019-2020 academic year but who is able to meet the residency requirements to qualify for an award as provided for in §703.A.2.

B.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 26:1995 (September 2000), amended LR 26:2000 (September 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), repromulgated LR 27:1847 (November 2001), amended LR 30:1161 (June 2004), LR 31:37 (January 2005), LR 38:3157 (December 2012), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:503 (March 2018), LR 44:1869 (October 2018), LR 46:

Chapter 7. Taylor Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards

§703. Establishing Eligibility

A. - A.5.a.ii.(e). ...

(f). For students graduating in academic year (high school) 2017-2018 and after, the courses listed in the tables below have been approved by the Board of Regents and the state Board of Elementary and Secondary Education to be converted to a 5.00 scale when used to complete the core curriculum, and shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a.

(i). Advanced Placement Courses

TOPS Core Course	Advanced Placement
Art	AP Art History AP Studio Art: 2-D Design AP Studio Art: 3-D Design AP Studio Art: Drawing
Biology II	AP Biology
Calculus	AP Calculus AB AP Calculus BC
Chemistry II	AP Chemistry
Chinese	AP Chinese Language and Culture
Economics	AP Macroeconomics AP Microeconomics
English III	AP English Language and Composition
English IV	AP English Literature and Composition
Environmental Science	AP Environmental Science
European History	AP European History
Fine Arts Survey	AP Music Theory
French	AP French Language and Culture
German	AP German Language and Culture
Italian	AP Italian Language and Culture
Japanese	AP Japanese Language and Culture
Latin	AP Latin
Physics I	AP Physics I: Algebra Based AP Physics II: Algebra Based AP Physics C: Electricity and Magnetism AP Physics C: Mechanics
Probability and Statistics	AP Statistics
Spanish	AP Spanish Language and Culture
US Government or Civics	AP U.S. Government and Politics: Comparative AP U.S. Government and Politics: United States
US History	AP U.S. History
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics	AP Psychology
World Geography	AP Human Geography
World History	AP World History

A.5.a.ii.(f)(ii). - B.2.b. ...

3. under §703.A.5.a and b in academic year (high school) 2021-2022 must have attained a TOPS cumulative high school grade point average, based on a 4.00 maximum scale, of at least:

- a. a 2.50 for the Opportunity Award; or
- b. a 3.25 for the Performance Award; or
- c. a 3.50 for the Honors Award;

B.4. - J.4.b.ii. ...

K. Public Health Emergency Initial Eligibility Requirements

1. An affected student shall not be required to meet the home study requirements set forth in §703.A.5.d.i.-iii. if it is determined by the administering agency that the student's failure to meet the requirements was, more likely than not, due solely to consequences of measures taken to mitigate the public health emergency.

2. For purposes of this Subsection, an *affected student* is a student who:

- a. was enrolled in a Louisiana public high school during the 2019-2020 academic year (high school);
- b. was enrolled in a nonpublic high school in Louisiana having the approval by the State Board of

Elementary and Secondary Education required by Part I of this Chapter for program eligibility purposes during the 2019-2020 academic year (high school);

c. resided in the state of Louisiana and was enrolled in a home study program approved by the State Board of Elementary and Secondary Education during the 2019-2020 academic year (high school); or

d. resided out of state during the 2019-2020 academic year but who is able to meet the residency requirements to qualify for an award as provided for in §703.A.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 38:3158 (December 2012), LR 39:481 (March 2013), LR 39:2485 (September 2013), LR 40:54 (January 2014), LR 41:373 (February 2015), LR 41:651, 664 (April 2015), LR 41:1486 (August 2015), LR 41:2596, 2599 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1657 (October 2016), LR 42:1882 (November 2016), LR 43:518 (March 2017), LR 43:1346 (July 2017), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:506 (March 2018), LR 44:1004 (June 2018), LR 44:1870 (October 2018), LR 46:326 (March 2020), LR 46:

§705. Maintaining Eligibility

A. - E.3. ...

F. Public Health Emergency Maintaining Eligibility Requirements

1. To continue receiving the TOPS Opportunity, Performance or Honors Awards, an affected student must meet all of the criteria in §705.A-D above, except as follows.

a. An affected student shall not be required to meet the minimum academic progress requirements set forth in §705.A.6.

b. An affected student shall not be required to meet the steady academic progress requirements set forth in §705.A.7.

c. An affected student shall not be required to meet the continuation GPA requirements set forth in §705.A.8.

d. The period of suspension of a TOPS Award for an affected student due to the student not meeting the requirement to maintain minimum academic progress or to make steady academic progress shall be extended on a one-for-one basis for each semester or term the student is unable to complete or in which the student does not enroll on a full-time basis due to measures taken to mitigate the public health emergency.

2. For the purposes of this Subsection, *affected student* shall mean:

a. a student who was enrolled full time as of the census date at an eligible college or university during the spring semester of 2020;

b. a student who was enrolled full time at an out-of-state college or university as of the census date during the spring semester of 2020; or

c. a student who was scheduled to be enrolled full time at a school operating on a basis other than semesters during the spring of 2020.

G.1. A student who successfully completes a baccalaureate degree without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in a graduate or professional school at an eligible college or university no later than the fall semester immediately following the first anniversary of the student's completion of an undergraduate degree and has met the requirements for continued eligibility set forth in §705.A.6. The remaining eligibility may not be used to pursue a second undergraduate degree.

2. Beginning with the 2012-2013 academic year (TOPS), a student who successfully completes any type of technical, vocational, or academic credential other than a baccalaureate degree without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in a program of study leading to a baccalaureate degree, to a vocational or technical certificate or diploma, or to a non-academic degree at an eligible college or university no later than the fall semester immediately following the first anniversary of the student's completion of an associate's degree and has met the requirements for continued eligibility set forth in §705.A.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1, and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999), LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:67 (January 2000), LR 26:688 (April 2000), LR 26:1996 (September 2000), LR 26:2001 (September 2000), repromulgated LR 27:1853 (November 2001), amended LR 28:447 (March 2002), LR 28:772 (April 2002), LR 28:2332 (November 2002), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1163 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:437 (March 2007), LR 34:1390 (July 2008), LR 36:491 (March 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 40:1002 (May 2014), LR 41:664 (April 2015), LR 42:47 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:520 (March 2018), LR 46:

Chapter 8. TOPS-Tech Award

§803. Establishing Eligibility

A. - B.4.b.ii. ...

C. Public Health Emergency Initial Eligibility Requirements

1. An affected student shall not be required to meet the home study requirements set forth in §803.A.5.d.i.-iii. if it is determined by the administering agency that the student's failure to meet the requirements was, more likely than not, due solely to consequences of measures taken to mitigate the public health emergency.

2. An affected student who was pursuing the JumpStart core curriculum set forth in §803.A.6.a.ii. will not be required to complete any JumpStart course, experience, or

credential that was waived by the student's high school for high school graduation purposes.

3. For purposes of this Subsection, an *affected student* is a student who:

a. was enrolled in a Louisiana public high school during the 2019-2020 academic year (high school);

b. was enrolled in a nonpublic high school in Louisiana having the approval by the State Board of Elementary and Secondary Education required by Part I of this Chapter for program eligibility purposes during the 2019-2020 academic year (high school);

c. resided in the state of Louisiana and was enrolled in a home study program approved by the State Board of Elementary and Secondary Education during the 2019-2020 academic year (high school); or

d. resided out of state during the 2019-2020 academic year but who is able to meet the residency requirements to qualify for an award as provided for in §803.A.2.

D. Military Veterans Initial Eligibility Requirements

1. Effective for the 2020-2021, 2021-2022, and 2022-2023 academic years, a veteran may qualify for a TOPS Tech Award in accordance with the provisions of this Subsection.

2. To qualify for an award under the provisions of this subsection, a veteran must:

a. submit a copy of his DD-214 evidencing that:

i. he was honorably discharged from a military installation in Louisiana;

ii. he served in a branch of the United States Armed Forces for a period of at least 3 years;

b. be a citizen of the United States;

c. have established domicile in Louisiana within one year of discharge from active duty, provided that such domicile was established on or after January 1, 2020;

e. submit a copy of his standardized test score(s) evidencing the following was achieved prior to high school graduation:

i. 17 on the ACT; or

ii. the equivalent concordant value to an ACT score of 17 on the SAT; or

iii. the Silver level score on the assessments of the ACT WorkKeys system;

f. have filed a free application for Federal Student Aid (FAFSA) no more than one year subsequent to discharge from active duty;

g. have enrolled full time in an eligible program of study no later than one year after notification of eligibility for a TOPS Tech Award under the provisions of this Subsection;

h. have no criminal conviction other than misdemeanor traffic violations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1904 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65 and 67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2754 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001), repromulgated LR 27:1854 (November 2001), amended LR 28:447 (March 2002), LR 28:773 (April 2002), LR 28:2330 (November 2002), LR 29:554 (April 2003), LR 30:1164 (June 2004), LR 30:2019 (September 2004), LR 31:39 (January 2005), LR 31:3114 (December 2005),

LR 33:437 (March 2007), LR 33:2614 (December 2007), LR 35:230 (February 2009), LR 36:491 (March 2010), LR 36:2270 (October 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 41:654 (April 2015), LR 41:2597 (December 2015), LR 42:48 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:523 (March 2018), amended LR 44:1874 (October 2018), LR 45:1172 (September 2019), LR 46:

§805. Maintaining Eligibility

A. - D.3. ...

E. Public Health Emergency Maintaining Eligibility Requirements

1. To continue receiving the TOPS Tech Award, an affected student must meet all of the criteria in §805.A-C. above, except as follows.

a. An affected student shall not be required to meet the steady academic progress requirements set forth in §805.A.6.

b. An affected student shall not be required to meet the continuation GPA requirements set forth in §805.A.7.

c. An affected student shall not be required to meet the minimum academic progress requirements set forth in §805.A.8.

d. The period of suspension of a TOPS Tech Award for an affected student due to the student not meeting the requirement to maintain minimum academic progress or to make steady academic progress shall be extended on a one-for-one basis for each semester or term the student is unable to complete or in which the student does not enroll on a full-time basis due to measures taken to mitigate the public health emergency.

2. For the purposes of this Subsection, *affected student* shall mean:

a. a student who was enrolled full time as of the census date at an eligible college or university during the spring semester of 2020;

b. a student who was enrolled full time at an out-of-state college or university as of the census date during the spring semester of 2020; or

c. a student who was scheduled to be enrolled full time at a school operating on a basis other than semesters during the spring of 2020.

F. A student who successfully completes a vocational or technical certificate or diploma program or a non-academic degree program without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in another program of study leading to a vocational or technical certificate or diploma or to a non-academic degree no later than the fall semester immediately following the first anniversary of the student's completion of a vocational or technical certificate or diploma program or of a non-academic degree program and has met the requirements for continued eligibility set forth in §805.A.

G. The provisions of §805.A, B, C and F shall be applicable to a veteran who qualifies for an initial program award under the provisions of §803.D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1905 (October 1998) amended LR 25:1091 (June 1999), LR 26:68 (January 2000), LR 26:689 (April 2000), LR 26:1997, 2002 (September 2000), repromulgated LR 27:1856 (November 2001), amended LR 28:774 (April 2002), LR 28:2332 (November 2002), LR 29:880 (June 2003), LR 29:2373 (November 2003), LR 30:781

(April 2004), LR 30:1165 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:438 (March 2007), LR 35:1489 (August 2009), LR 38:3160 (December 2012), LR 40:1002 (May 2014), LR 41:666 (April 2015), LR 41:2598 (December 2015), LR 42:49 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:527 (March 2018), LR 46:

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